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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,168	06/24/2003	George W. Erhart	502073-A-01-US (Erhart)	9438

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EXAMINER

GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 09/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/602,168

Applicant(s)

ERHART ET AL.

Examiner

Gerald Gauthier

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 June 2006.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-25 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. **Claim(s) 1, 12, 18 and 19** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. **Claim 1** recites the limitation "said converted text" in line 6. There is insufficient antecedent basis for this limitation in the claim.

**Claim 12** recites the limitation "said converted text" in line 8. There is insufficient antecedent basis for this limitation in the claim.

**Claim 18** recites the limitation "said converted text" in line 7. There is insufficient antecedent basis for this limitation in the claim.

**Claim 19** recites the limitation "said converted text" in line 5. There is insufficient antecedent basis for this limitation in the claim.

**Claim(s) 2-11, 13-17, 20-25** are rejected for being dependent of rejected claims.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claim(s) 1-10, 12-22, 24 and 25** are rejected under 35 U.S.C. 102(e) as being anticipated by MacGinitie et al. (US 2003/0105630 A1).

Regarding **claim(s) 1, 18 and 19**, MacGinitie discloses a method for validating a textual entry of spoken words of a caller (FIG. 1 and paragraph 0002), comprising:

receiving a telephone call from the caller (paragraph 0044);

monitoring a textual entry of the spoken words (paragraph 0073);

converting the spoken words to text using a speech recognition technique (paragraph 0045); and

comparing the textual entry to the converted text to confirm an accuracy of the textual entry substantially during said telephone call (paragraphs 0086-0089).

Regarding **claim(s) 2**, MacGinitie discloses a method for validating a textual entry of spoken words of a caller, further comprising the step of recording the spoken words (paragraph 0087).

Regarding **claim(s) 3**, MacGinitie discloses a method for validating a textual entry of spoken words of a caller, further comprising the step of time-stamping the recording (paragraph 0087).

Regarding **claim(s) 4, 13 and 20**, MacGinitie discloses the step of constraining the comparing step to a recent audio stream (paragraph 0087).

Regarding **claim(s) 5**, MacGinitie discloses the step of constraining the comparing step to a recent audio stream corresponding to a completed field in a user interface (paragraph 0087).

Regarding **claim(s) 6**, MacGinitie discloses the step of constraining the comparing step to a recent audio stream since a previous field was completed (paragraph 0087).

Regarding **claim(s) 7, 14, 21, 24 and 25**, MacGinitie discloses a method for validating a textual entry of spoken words of a caller, further comprising the step of notifying an agency of an error (paragraph 0090).

Regarding **claim(s) 8 and 15**, MacGinitie discloses a method for validating a textual entry of spoken words of a caller, further comprising the step of correcting a detected error (paragraph 0090).

Regarding **claim(s) 9 and 16**, MacGinitie discloses a method for validating a textual entry of spoken words of a caller, further comprising the step of suggesting at least one alternative for a detected error (paragraph 0090).

Regarding **claim(s) 10 and 17**, MacGinitie discloses a method for validating a textual entry of spoken words of a caller, further comprising the step of selecting the speech recognition technique based on properties of the spoken words (paragraph 0089).

Regarding **claim(s) 12**, MacGinitie discloses all the limitation of **claim(s) 12** as stated in **claim(s) 1**'s rejection above and furthermore MacGinitie discloses a memory (0086); and

at least one processor, coupled to the memory (paragraph 0087).

Regarding **claim(s) 22**, MacGinitie discloses the step of selecting the speech recognition technique based on properties of the textual script (paragraph 0087).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. **Claim(s) 11 and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over MacGinitie in view of Epstein (US 6,754,626 B2).

Regarding **claim(s) 11**, MacGinitie as applied to **claim(s) 1** above differs from **claim(s) 11** in that it fails to disclose the accuracy is confirmed by comparing a confidence score to a threshold value.

However, Epstein, in the same field of endeavor, teaches a method for validating a textual entry of spoken words of a caller, wherein the accuracy is confirmed by comparing a confidence score to a threshold value (FIG. 6 and column 13, lines 5-17) [The speech recognition system can identify text with a confidence score above a predetermined minimum threshold value].

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the speech recognition system of MacGinitie using the teaching of recognition system as taught by Epstein.

This modification of the invention enables the system to generate a confidence score to a threshold value so that the system would identify one contextual model producing text.

Regarding **claim(s) 23**, Epstein in the same field of endeavor teaches a method for validating a spoken delivery of a textual script, wherein the accuracy is confirmed by comparing a confidence score to a threshold value (FIG. 6 and column 13, lines 5-17).

***Response to Arguments***

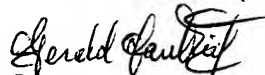
10. Applicant's arguments with respect to **claim(s) 1-25** have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**GERALD GAUTHIER**  
**PATENT EXAMINER**

GG  
August 28, 2006